

2001P05313US01
Walter Rosenbaum *et al.*
Application No.: 10/668,970

REMARKS

Claim Status

After entry of this Amendment, Claims 14 – 16, 18, 19, 21 – 30 and 42 are pending. Claims 1 – 13, 17 and 20 have been previously cancelled. By this Amendment, Applicants cancel Claims 31 – 41, and add new Claim 42. No new matter is added.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects Claims 14 – 16, 18, 19 and 21 – 30 under 35 U.S.C. § 103(a) as being unpatentable over Bilibin (U.S. Pub. No. 2005/0197892) in view of Fredman (U.S. Pat. No. 6,526,393) and Smith (U.S. Pat. No. 5,880,451). With respect to independent Claim 14, the Examiner again asserts that it would have been obvious to modify Bilibin to include the expiration date, as disclosed by Fredman, to encourage users to take action in a timely manner. Further, the Examiner assert that Bilibin and Fredman fail to disclose reading a recipient address and the franking number on the delivery, accessing the delivery data in the database and determining whether the read address corresponds to the delivery data associated with the franking number. The Examiner cites Smith as using a checksum process where the label on a delivery is read and decoded to determine if the address and the tracking number are valid and properly recorded. Referring to the claimed method as a combination of “old methods,” the Examiner concludes it would have been obvious to use Smith’s checksum method with the assigning a franking number of Bilibin. Applicants respectfully traverse.

Applicants respectfully submit that even Smith does not teach the Claim 14 features the Examiner identified as missing in Bilibin and Fredman. Smith teaches that when conventional bar code reading techniques are unable to recognize a bar code character OCR techniques are used to decode the human readable text associated with the unsuccessfully decoded bar code. (Col. 2, lines 29 – 38.) Smith explains that the human readable characters that correspond to the bar code characters are printed adjacent to the bar code and manually entered. (Col. 1, lines 48 – 60.) Figs. 2, 3, 4, for example, show the human readable characters 38 printed below the bar code. (See, col. 5, lines 21 -23, col. 6, lines 60 – 65.) Hence, even though Smith validates the decoded tracking number (col. 13, lines 43 – 60), this validation does not involve

reading a recipient address on the delivery, but is merely based on performing OCR on the human readable characters 38 associated with the bar code if reading the bar code fails, as shown in Fig. 5. Therefore, Smith does not disclose or teach reading a recipient address on a delivery, as defined in Claim 14.

Moreover, Smith validates the decoded tracking number, i.e., Smith determines whether or not the decoded tracking number appears to be a valid tracking number. (Col. 13, 47 – 50.) Contrary to the Examiner's assertion, Smith does not determine if the address is valid and properly recorded.

In contrast to Bilibin, Fredman and Smith, the claimed method defines reading the recipient address and the franking number on the package. The read franking number is then used to access the delivery data in the database. Now that the read recipient address and the accessed delivery data are available, the method determines whether the read recipient address on the package corresponds to the delivery data associated with the read franking number. This approach of using a franking number to validate a read recipient address is different from:

- Bilibin's approach of using a bar code to identify a package and allow a user to track the package by entering the tracking number to a computer system,
- Fredman's approach of using an envelope preprinted with a permit number having an expiration date, and
- Smith's approach of performing OCR on human readable characters 38 if reading the bar code fails, and then validating the decoded tracking number.

In sum, even if these different approaches are combined, Applicants submit that Bilibin, Fredman, and Smith at least fail to disclose reading a recipient address on the delivery, reading the franking number on the delivery, accessing the delivery data in the database using the read franking number, and determining whether the read recipient address on the delivery corresponds to the delivery data associated with the read franking number.

In view of the foregoing, Applicants respectfully submit that even a combination of Bilibin, Fredman and Smith does not teach all limitations of Claim 14. Claim 14 is, therefore, patentable over Bilibin in view of Fredman and Smith.

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Applicants respectfully request the Examiner to reconsider the rejections under 35 U.S.C. § 103(a) and to pass Claim 14 to allowance.

Claims 15 – 16, 18, 19 and 21 – 30 depend from Claim 14. These dependent claims recite additional inventive features that are in combination with the features of amended Claim 14 not disclosed or suggested by Bilibin, Fredman or Smith. The above arguments regarding amended Claim 14 are repeated herewith. Each dependent claim is, therefore, on its own patentable. Applicants respectfully request the Examiner to reconsider and to withdraw the instant rejections under 35 U.S.C. § 103(a), and to pass Claims 15 – 16, 18, 19 and 21 – 30 to allowance.

New Claim 42

Applicants submit new Claim 42, as set forth in the above listing of claims, that includes limitations of Claims 14 and 15. More particularly, new Claim 42 further defines a method of franking and processing deliveries that includes conditions for either rejecting a delivery, or further processing the delivery and marking a database entry as invalid.

As to Claim 15, the Examiner refers to Bilibin's paragraph [0048]. This paragraph is part of the Brief Description of the Drawings and refers to Fig. 36f. Fig. 36f allows a user to choose rates and delivery times, but does not teach the limitations specified in Claim 15, e.g., further processing a delivery and marking a database entry as invalid. Applicants note that the Examiner does not provide further arguments as to Claim 15. Applicants respectfully request clarification.

Bilibin does not teach these limitations. Bilibin teaches creating and using a tracking number. (E.g., paragraphs [0354] and [0409] *et seq.*) The system-generated label 1131 shown in Fig. 58 includes the generated tracking number, the delivery address (SHIP TO:), sender address (ACME INC.) and several bar codes. Hence, as the label information is based on entered information maintained in Bilibin's system database 22, the information on the label is the same as the information maintained in the database 22. (Paragraphs [0419], [0420])

Accordingly, there is no need to determine whether a read recipient address on the label corresponds to delivery data associated with the tracking number, and no need to define conditions, as defined in new Claim 42. In particular, there is no marking of an entry as invalid. Therefore, Bilibin does not disclose or suggest

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conditions for either rejecting a delivery, or further processing the delivery and marking a database entry as invalid, as defined in new Claim 42.

New Claim 42 includes limitations of Claim 14. The above arguments regarding Claim 14 are repeated here.

In view of the foregoing, Applicants respectfully submit that a combination of Bilibin, Fredman and Smith does not teach all limitations of new Claim 42. New Claim 42 is, therefore, patentable over Bilibin in view of Fredman and Smith. Applicants respectfully request the Examiner to pass Claim 42 to allowance.

Summary of response

Applicants have responded to the rejections in the October 31, 2007 Office Action by presenting the foregoing amendments and arguments. Applicants respectfully submit that Claims 14, 16, 18, 19, 21 – 30 and 42 are in condition for allowance. Applicants respectfully request the Examiner to withdraw all rejections and to pass this application to the issue process.

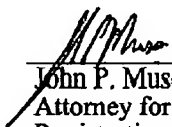
Request for telephone interview

The undersigned has made a good faith effort to respond to the objection and to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2001P05313US01.

Respectfully submitted,

Date: 1/22/08


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